

REMARKS

The drawings are objected to for the reasons noted in the official action. All of the raised drawing objections are believed to be overcome by the requested drawing amendments accompanying the attached Submission. In this regard, the Applicant points out that the “adjustable lever” as now discussed in the specification, at least at paragraph [012] and as recited in the claims, is diagrammatically represented in cooperation with the clutch elements causing the torque transmission as described in lines 11-12 of paragraph [012]. The “clutch elements causing the torque transmission” are for example, the plate spring 30, the rollers 26, the conductor ramp 32, etc. As such, the diagrammatic representation of the adjustable lever in conjunction with these elements as currently shown in replacement FIG. 1 is believed to be fully supported by the Applicant’s disclosure and thus does not raise any issue with respect to new matter.

If any further amendment to the drawings is believed necessary, the Examiner is courteously invited to contact the undersigned representative of the Applicant to discuss the same.

This application is rejected under 35 U.S.C. § 112, first paragraph, for the reasons noted in the official action. The inadequate written description rejection is acknowledged and respectfully traversed in view of the above amendments and following remarks.

As an initial matter, the Applicant notes that both the specification, in particular paragraph [012] has been amended to provide a more accurate translation from the original German specification DE 102 41 508.0 filed 7 Sept. 2002. The Applicant notes that the term “lever ratios” is more appropriately translated as the verb “leverage”. As now more clearly described in paragraph [012], “the kinematics preferably comprises at least one adjustable lever element the *adjustable leverage* of which serve to control the torque transmission capacity of the clutch . . .”. The exact structure and relationship of this lever element to the torque transmitting elements, for example, pressure plate 20, plate spring 30 and rollers 26 is believed to be unnecessary as the function of such “leverage” is well understood in the art. The leverage which correspondingly effects the torque transmission capability of a clutch through any or all

of these elements could potentially be undertaken with any number of different kinematic structures. It is the Applicant's position that the diagrammatic representation in replacement FIG. 1, in conjunction with the disclosure in the written description, fully discloses to one of ordinary skill in the art that the Applicant had possession of the presently claimed invention. In particular that the Applicant was fully aware of the potential necessity to use kinematics, and leverage to effect these elements and thus adjust the torque transmission capability of the clutch to account for vehicle weight or tractional resistance.

In any event, the portion of the exact lines of the background of the specifications in paragraph [012] from lines 11-22 has been added as new paragraph [025] in the detailed description, and includes a reference number for the diagrammatically shown lever element 23, currently shown in FIG. 1.

Turning to the substantive claim rejections, claims 13-18 are rejected, under 35 U.S.C. § 102(a) or (e), as being anticipated by Markyvech et al. '595. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

As the Examiner is aware, in order to properly support an anticipation rejection under 35 U.S.C. § 102(a) or (e), the cited reference must disclose each and every feature of the presently claimed invention. Arguably, Markyvech et al. '595 discloses a centrifugal clutch in line between a transmission and a prime mover. However, a review of paragraphs [043]-[045], and the specific structure of Markyvech's clutch, fails to disclose a specific lever element, or any sort of kinematic structure for that matter, which provides any particular leverage to accommodate changes in vehicle weight.

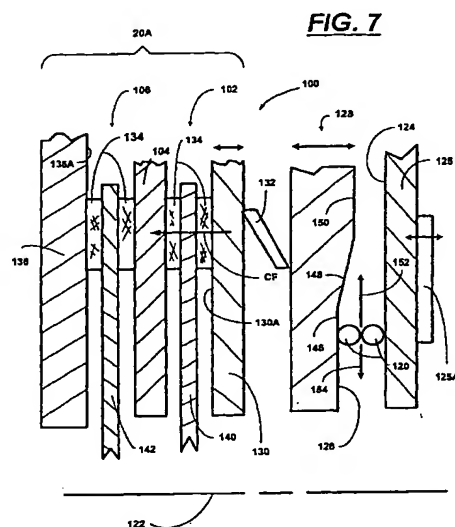
The Official Action indicates that an "adjustment mechanism 125a "may be utilized to take up wear of the reaction plate". However, this adjustment mechanism 125a, for example as shown in FIG. 7 reproduced below, is not, as best the Applicant can tell, a lever of any kind or any sort of kinematic structure. The adjustment mechanism 125a is apparently a static plate added to the reaction plate 125 to take up space on account of any wear within the clutch itself. In other words, the adjustment mechanism 125a is apparently merely a spacer or a filler in order to compensate for wear. In other words, the adjustment mechanism 125a may provide

some sort of axial displacement of the reaction plate 125, however, there is no disclosure, teaching or suggestion which would lead one of ordinary skill in the art to equate this feature of an static adjustment plate 125a with . . . the kinematics comprising adjustable lever elements . . .” as specifically recited in claim 13.

Also, the Applicant has added new claim 17 which specifically recites the novel feature, “wherein the torque transmitting elements further comprise kinematic elements including an adjustable lever element for providing leverage to at least one or another torque transmitting element according to one of vehicle weight and tractional resistance”. It is the Applicant’s position that such a feature is also not disclosed, taught or suggested by the cited reference.

Paragraph 044 of Markyvech et al. ‘595 includes no disclosure or teaching relating to Applicant’s lever, or any other device for that matter, in regulation of the clutch relative to a vehicle load, or tractional resistance, i.e., wheel slippage. Claim 13 specifically recites that the adjustable lever is part of “. . . kinematics controllable according to vehicle weight or tractional resistance . . .”. Similarly, claim 17 as noted above, claims that the leverage is applied according to at least one of vehicle weight or tractional resistance. Because Markyvech et al. ‘595 discloses merely that “[t]he reaction plate 125 may be manually and/or automatically adjustable by an adjustment mechanism 125A to take up wear or the like”. In paragraph 044 of the applied reference, the Applicant asserts that neither the adjustable lever 23, nor the actuation of the lever 23 according to wheel slip and/or vehicle load as claimed, is disclosed or taught by the cited reference.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.



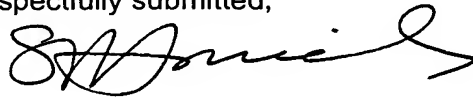
In view of the above amendments and remarks, it is respectfully submitted that all of the raised written description and anticipation rejections should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Markyvech et al. reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejections should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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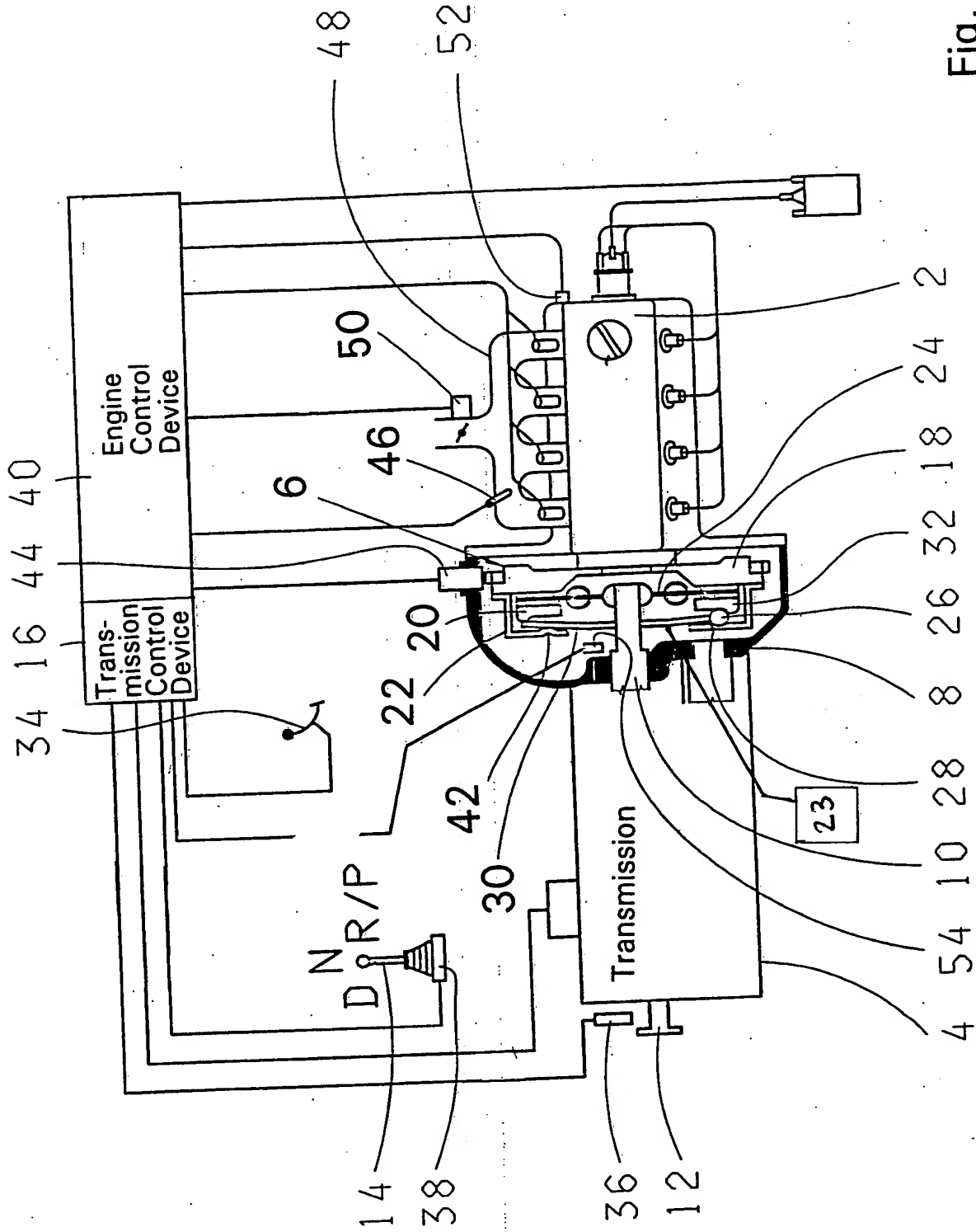


Fig. 1